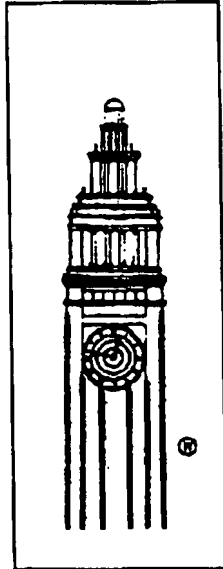


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Please find enclosed a copy of page **3** of the Second  
Supplemental Preliminary Amendment that we filed by  
facsimile on November 30, 1993.

David Weitz,  
Associate to Albert P. Halluin, Esq.

PATENT

-3-

SEQ ID NO: 7 and SEQ ID NO: 9 as originally filed are attached herewith as Exhibits A and B respectively.

SEQ ID NO: 7 provides the sequence for the transit peptide of petunia EFSP synthase (bases 24-241). Specification, page 64, lines 12-13. One of ordinary skill would readily recognize that the nucleic acid sequence encoding the transit peptide ends immediately prior to the ATG start codon (base 242-244) and the peptide sequence beginning at base 245.

The identical sequence for the transit peptide of petunia EFSP synthase is also disclosed in SEQ ID NO: 9 at bases 24-241, in the originally filed application. Similarly, the ATG start codon for SEQ ID NO: 9 is positioned at bases 242-244 and the peptide sequence begins at base 245. The Specification also teaches that both SEQ ID NO: 7 and SEQ ID NO: 9 include the same petunia EFSP synthase transit peptide. Specifically, the Specification states that

A sequencing containing the coding sequence for human  $\alpha$ -hemoglobin or  $\beta$ -hemoglobin and transit peptide of petunia EFSP synthase is shown in SEQ ID NO: 7 or SEQ ID NO: 8, and corresponding protein sequences as SEQ ID NO: 9 and SEQ ID NO: 10, respectively.

Specification, page 64, lines 10-15.

Since the transit peptide for petunia EFSP synthase was correctly disclosed in SEQ ID NO: 9 at the time the application was filed, Applicants maintain that this disclosure serves as the antecedent support for the September 30, 1993 amendment to the transit peptide portion of SEQ ID NO: 7. Applicants therefore maintain that there is proper antecedent basis in the application as originally filed for the September 30, 1993 amendment.

III. Express Abandonment Of U.S. Serial No. 07/739,143

Finally, Applicants note that they intend to file a Notice of Express Abandonment in U.S. Serial No.